

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing **See form PCT/ISA/210**
(day/month/year)

Applicant's or agent's file reference L50151/A-PCT		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/DE2004/002449	International filing date (day/month/year) 05.11.2004	Priority date (day/month/year) 13.11.2003	
International Patent Classification (IPC) or both national classification and IPC F24C14/00			
Applicant RATIONAL AG			

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input checked="" type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-26</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims <u>1-26</u>	YES
	Claims _____	NO
Industrial applicability (IA)	Claims <u>1-26</u>	YES
	Claims _____	NO

2. Citations and explanations:

Reference is made to the following documents:

D1: US 2003/145847 A1 (DEURINGER MARTIN *ET AL.*) 7 August 2003 (2003-08-07)

D2: DE 25 55 052 A1 (MIELE & CIE) 8 June 1977 (1977-06-08)

Document D2 exhibits a method for indirectly measuring the amount of water in a dishwasher by measuring and interpreting power consumption at the recirculation pump. As soon as the power permanently exceeds a certain value following the opening of the inlet valve, it is assumed that the device now contains the desired amount of water, and the inlet valve is consequently closed.

Document D1 describes a cooking device and a method for cleaning said cooking device, according to which method cleaning liquid is passed to the rotating fan wheel 5 through the pipe 19 and distributed in the cooking space by this rotating fan wheel. The cleaning liquid flows away again through the outlet 20, reaches the reservoir 12, and from there is again passed to the rotating fan wheel 5 through the pump and the pipe 19 into the cooking space. Nothing is disclosed about measurement of the

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citations and explanations supporting such statement

amount of cleaning fluid in the device; this is usually done by means of a filling-level gauge in the prior art.

The application now presents a baking oven which, analogously to the device from D1, has a recirculation pump which passes water to the rotating fan wheel.

The difference between the application and D1 is that the amount of cleaning liquid in the device is measured indirectly by measuring the force of action of the cleaning liquid on the fan wheel, in particular by measuring power consumption or current consumption at the fan.

Advantage: the measuring device (for example filling-level gauge) is therefore no longer exposed to the cleaning liquid and failure on account of contamination of the measurement device is avoided.

The field of dishwashers may not be completely foreign to a person skilled in the art who is familiar with baking ovens with a self-cleaning function. Therefore, combining documents D1 and D2 would generally be possible for such a person skilled in the art. However, power consumption in the dishwasher as per D2 is measured at the pump. However, in the baking oven as per the application, this measurement is not carried out at the recirculation pump (likewise present), but at the fan.

A person skilled in the art would therefore not arrive at the subject matter of claims 1 and 8 by simply combining documents D1 and D2. Said claims are therefore to be assessed as being inventive within the meaning of PCT

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Box No. V

**Reasoned statement under Rule 43bis.1(a)(I) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

Article 33(3).

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

The features of the claims should be followed by reference signs placed between parentheses in order to increase understanding of the claims (PCT Rule 6.2(b)). This applies both to the preamble and to the characterizing part.